

From: [Frankel, Donald \(ENRD\)](#)
To: [Mills, Flaire](#)
Cc: [Chester, Amy](#)
Subject: Re: HOVENSA ERT Proposed 2019 Budget
Date: Wednesday, March 13, 2019 6:06:31 PM

When I get approval from my management I notify the ERT by email. I also remind the ERT that it also has to get approval from the CI AG's office.

Sent from my iPhone

On Mar 12, 2019, at 2:10 PM, Mills, Flaire <Mills.Flaire@epa.gov> wrote:

Another question (along with who do you work with on this in the VI AG's office) is do you draft the letter approving the US part and indicate in it that the VI AG has approved it as well, or do you and the VI AG write separate letters?

Also, is it you or someone else that does this? And generally, how long does it take from receipt.

Who is the ERT contact on this?

Lori may have questions about what happens on your end apart from these, but for the time being if I know this, I can get back to her with what you've told me.

My preference would be to have you personally explain it to her to avoid us having to go back and forth. It also might add a human touch, which could help in moving things along on their end.

From: Frankel, Donald (ENRD) <Donald.Frankel@usdoj.gov>

Sent: Tuesday, March 12, 2019 12:30 PM

To: Mills, Flaire <Mills.Flaire@epa.gov>; Chester, Amy <Chester.Amy@epa.gov>

Subject: RE: HOVENSA ERT Proposed 2019 Budget

Flaire:

Not sure there is a need for a call. We at US DOJ have reviewed the budgets to the extent they cover administrative matters and have approved the budgets. We have told the ERT that they also need to get approval from the Attorney General's office in the Virgin Islands. We have not been involved in that part of the approval process. I have recommended that my management approve the administrative items listed in the 2019 budget, but have not heard back yet.

Don

From: Mills, Flaire <Mills.Flaire@epa.gov>

Sent: Tuesday, March 12, 2019 9:42 AM

To: Frankel, Donald (ENRD) <DFrankel@ENRD.USDOJ.GOV>; Chester, Amy <Chester.Amy@epa.gov>

Subject: FW: HOVENSA ERT Proposed 2019 Budget

Perhaps we should explain this to Lorie on a phone call so that she can communicate it to all that need to know in the VI.

Don – do you have preferred times? Amy – Do you keep electronic calendar updated?
Flaire

From: Lorie Schmidt <lorie.schmidt@dpr.vi.gov>

Sent: Tuesday, March 12, 2019 9:26 AM

To: Mills, Flaire <Mills.Flaire@epa.gov>

Subject: HOVENSA ERT Proposed 2019 Budget

Flaire

I'm wondering if you could explain something to me.

In the letter from the Hovensa ERT about the proposed 2019 budget, table 1 says that lines 26 through 29 and 31 are subject to approval by the "US/VI" and the footnote says that has been interpreted as meaning the VI represented by the AG and the US represented by DOJ. Eric's letter says that there is a "separate process" for those approvals.

Do you know what separate process he's talking about? I just checked with our AG's office, and they don't seem to know anything about what's happening on the approvals for the 2019 budget. Attorney Tepper said that in the past she had relied on Dawn to tell her whether the line items should be approved. I'm trying to figure out whether DOJ should be responding to the ERT letter with their approval of the line items or whether there's some other process between USDOJ and VIDOJ.

If you don't know, I can check with the ERT – just thought I'd check with you first.

Thanks

Lorie

Lorie J. Schmidt

Division of Environmental Protection
Department of Planning and Natural Resources
Charles Wesley Turnbull Regional Public Library
4607 Tutu Park Mall
St. Thomas, VI 00802
TEL: (340) 774-3320

[Confidentiality Notice](#)

The information contained in this e-mail Message, including any attachments, is confidential and may be protected by the attorney-client privilege or work product doctrine, and is for the sole use of the intended recipient(s). It is covered by the Electronic Communications Privacy Act, 18 U.S.C. § 2510-2521 and is legally privileged. Unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient and have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Lorie Schmidt

Sent: Tuesday, March 12, 2019 9:20 AM

To: Pamela Tepper <pamela.tepper@vi.gov>

Subject: RE: HOVENSA ERT Proposed 2019 Budget

Good morning.

I have attached two letters on this matter:

1. Letter from Hovensa ERT to various entities, including VIDOJ and VIDPNR, requesting approval of the budget
2. Letter from EPA to DPR regarding same

The letter from the ERT includes a table 1 that lists specific budget line items and which entity is responsible for approving the budget for that line item. EPA says that the ERT has identified the right agencies based on the consent decree, but I have not gone back to confirm that.

Table 1 says that line items 26 to 29 and 31 are subject to approval by "US/VI" and the footnote says that has been interpreted to mean the US represented by USDOJ and the VI represented by the VI AG. EPA's letter says that there is a separate process for approval for those line items.

I don't what "separate process" is involved. I don't know whether EPA meant a process run by the ERT that is separate from the letter the ERT sent – or whether EPA means that there is a separate process that involves USDOJ and not EPA. I'll try to find out more about it.

In any event, it sounds like you are not aware of VIDOJ responding to the ERT letter yet. It also sounds like you would be looking to DPNR as to whether to approve line items 26 to 29 and 31 (which are for utilities, security, business operating expenses and trustee fees) – right?

Regards,

Lorie

Lorie J. Schmidt

Division of Environmental Protection

Department of Planning and Natural Resources

Charles Wesley Turnbull Regional Public Library

4607 Tutu Park Mall

St. Thomas, VI 00802

TEL: (340) 774-3320

[Confidentiality Notice](#)

The information contained in this e-mail Message, including any attachments, is confidential and may be protected by the attorney-client privilege or work product doctrine, and is for the sole use of the intended recipient(s). It is covered by the Electronic Communications Privacy Act, 18 U.S.C. § 2510-2521 and is legally privileged. Unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient and have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Pamela Tepper

Sent: Monday, March 11, 2019 1:42 PM

To: Lorie Schmidt <lorie.schmidt@dpnr.vi.gov>

Subject: RE: HOVENSA ERT Proposed 2019 Budget

Afternoon:

Former Commissioner Henry would specify the lines we need to approve. I am not involved in the day-to-day management so the more specific information we get, the better. I don't recall if we approved this back in December, but I tend to doubt it as things were in flux here. Also, please advise to whom we send the approval request.

Thank you.

Pamela Tepper

Solicitor General

VI Department of Justice

340.774-5666

From: Lorie Schmidt

Sent: Friday, March 01, 2019 11:12 AM

To: Pamela Tepper <pamela.tepper@vi.gov>

Subject: HOVENSA ERT Proposed 2019 Budget

Good morning.

I left you a voice mail that you can ignore if you get this first.

Worrell wanted me to let you know that DPNR will be approving the line items of the proposed 2019 HOVENSA budget that are subject to DPNR approval. (They are permitting issues that now rest with Limetree, so there are no expenditures projected for 2019.) Our approval is in response to a December 20, 2018, letter from HOVENSA ERT requesting approval of the 2019 budget that VIDOJ should also have received.

The December 20 letter also notes that there is a separate process for VIDOJ and USDOJ to approve other specific line items. We assume you are taking care of that – but Worrell wanted me to confirm that with you.

Regards,

Lorie

Lorie J. Schmidt

Senior Advisor

Division of Environmental Protection

Department of Planning and Natural Resources

Charles Wesley Turnbull Regional Public Library

4607 Tutu Park Mall

St. Thomas, VI 00802

TEL: (340) 774-3320 ext 5181

[Confidentiality Notice](#)

The information contained in this e-mail Message, including any attachments, is confidential and may be protected by the attorney-client privilege or work product doctrine, and is for the sole use of the intended recipient(s). It is covered by the Electronic Communications Privacy Act, 18 U.S.C. § 2510-2521 and is legally privileged. Unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient and have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message.